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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

FILE COPY

IN THE MATTER OF THE DENIAL
OF EXTENSION OF STAY AND
LIMITED LICENSE TO PRACTICE OF

LISA A. HOUSEWEART, R.N.,
PETITIONER

FINAL DECISION AND ORDER
91 NUR 188

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Lisa Houseweart, R.N.
415 Belteberg Rd., Apt. # 1
Loves Park, IL 61111

Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Lisa A. Houseweart, whose address of record is 415 Belteberg Rd., Apt. # 1, Loves Park, IL 61111, was granted a license to practice as a registered nurse (license # 102379) on August 25, 1989.

2. By Order dated March 20, 1990, the Board of Nursing accepted the voluntary surrender of Ms. Houseweart's license to practice as a professional nurse in Wisconsin upon finding that she was chemically dependent.

3. By letter dated April 23, 1991, Ms. Houseweart requested reinstatement of her license to practice.

4. Pursuant to the terms of a stipulation between Ms. Houseweart and the Board of Nursing, the Board entered an Order dated May 24, 1990 ("May 24, 1990 Order") granting Ms. Houseweart a limited license to practice as a

professional nurse. The license was issued for a three month term, with a provision for successive renewals of the license based upon her compliance with certain terms and conditions of the limited license.

5. Thereafter, Ms. Houseweart was issued limited licenses at three month intervals on August 26, 1990, November 26, 1990, and February 26, 1991.

6. On January 11, 1991, the Board of Nursing denied Ms. Houseweart's request for a reduction in the number of monthly urine screens required under her limited license on the grounds that Ms. Houseweart failed to previously comply with monitoring requirements.

7. At its March 8, 1991, the Board of Nursing received information that Ms. Houseweart violated the terms and conditions of her limited license as set forth in the May 24, 1990 Order, in that she had not submitted to the required blood or urine screens during the period from August 22, 1990 to February 14, 1991, failed to secure a monitoring facility that would comply with the required monitoring provisions, failed to insure submission of quarterly written reports from a monitoring program, had access to and control over narcotics at her place of employment, and had consumed marijuana, a schedule I controlled substance.

8. By Order Suspending the Limited License and Granting Stay dated March 25, 1991 ("March 25, 1991 Order"), the Board of Nursing summarily suspended Ms. Houseweart's limited license for a period of no less than two years based on probable cause to believe that Ms. Houseweart violated the terms of the Board's May 24, 1990 Order. The Board then stayed the suspension for a three month period, allowed Ms. Houseweart to practice under limitations, and provided for successive stays of suspension upon compliance with certain terms and conditions of the limited license.

9. By Order Modifying the Limited License dated July 3, 1991, the Board granted Ms. Houseweart's request that the terms of her limited license be modified to allow her access to certain controlled substances other than narcotics and schedule II controlled substances at her place of employment.

10. The March 25, 1991 Order required Ms. Houseweart to participate in a program of random, witnessed monitoring of her blood or urine four times per month to detect the presence of controlled substances or alcohol.

11. On September 18, 1991, Ms. Houseweart was notified that Department records showed that she had submitted to three blood or urine screens in May, three in June, three in July, and two in August, 1991.

12. By Notice of Denial dated October 2, 1991 ("October 2, 1991 Denial"), the Board issued its order denying extension of the stay of suspension of the limited license on that grounds that Ms. Houseweart "failed to participate in a program of random, witnessed monitoring of [her] blood or urine four times per month to detect the presence of controlled substances or alcohol."

13. Upon notification of her right to a hearing on the Board's denial, Ms. Houseweart requested a hearing to be conducted in accordance with the provisions of Ch. RL 1, Wis. Adm. Code. She was granted a hearing on November 22, 1991.

14. On November 8, 1991, Ms. Houseweart appeared before the Board to request that the Board reconsider its October 2, 1991 Denial. The Board entered an order affirming and ratifying its order of October 2, 1991, and denied Ms. Houseweart a further three month stay of the suspension of her license.

15. In lieu of a hearing to contest the Board's denial of her license, Ms. Houseweart has agreed to comply with the following conditions for the period of November 18, 1991 to January 1, 1992:

i. She shall continue successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Respondent must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous at least three (3) times per week.

ii. She shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes.

iii. She shall participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. As a condition for reinstatement of her license, all of the screens performed must be negative for controlled substances and alcohol. As a further condition, she must submit to a minimum of six (6) screens during this period.

She shall be responsible for obtaining a monitoring facility which provides random and witnessed gatherings of specimens for evaluation and makes reports of the screens available to the Board, as well as for all costs incurred in conjunction with the required monitoring and reporting.

iv. She shall execute current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring information and records.

16. Ms. Houseweart has further agreed to submit proof of compliance with the conditions outlined in paragraph 15 by arranging for the submission of a report to the Board of Nursing (i) from the monitoring facility indicating the dates and results of screenings performed and (ii) from her therapist or counselor evaluating her attendance, her sobriety, and progress in treatment, as well as her participation in NA/AA meetings.

17. The Stay of Suspension and licensure of Ms. Houseweart, as ordered hereinafter, is based on evidence of compliance with the conditions set forth in paragraph 15.

CONCLUSIONS OF LAW

By the conduct described above, Respondent Lisa A. Houseweart is subject to disciplinary action against her license to practice as a registered nurse in the State of Wisconsin, pursuant to Wis. Stats. sec. 441.07(1)(d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the suspension of Respondent Lisa A Houseweart's license is extended for a period of not less than two (2) years from January 8, 1992.

IT IS FURTHER ORDERED that the SUSPENSION shall be STAYED for a period of three (3) months upon compliance by Respondent Lisa A. Houseweart with the following conditions and limitations on her license:

i. Ms. Houseweart shall continue successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Ms. Houseweart must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Ms. Houseweart must attend Alcoholics or Narcotics Anonymous at least three (3) times per week.

ii. Upon request of the Board, Ms. Houseweart shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

iii. Ms. Houseweart shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes.

iv. Ms. Houseweart shall participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. If the physician or therapist supervising her plan of care or her employer deems that additional blood or urine screens are warranted, Ms. Houseweart shall submit to such additional screens.

Ms. Houseweart shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the required monitoring and reporting.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for evaluation. It shall further agree to file an immediate report directly with the Board of Nursing upon such failures to participate as: if the screen reveals that Ms. Houseweart is not taking medications as prescribed; or if a drug or alcohol screen proves positive; or if Ms. Houseweart refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

v. Ms. Houseweart shall arrange for quarterly reports to the Board of Nursing from her employer evaluating her work performance; from the monitoring facility providing the dates and results of screenings performed; and from her therapist or counselor evaluating her attendance and progress in treatment, as well as her participation in NA/AA meetings.

vi. In any employment as a nurse, Ms. Houseweart shall not have access to or handle any narcotic or Schedule II controlled substance. This limitation shall be clearly indicated on any license issued to Ms. Houseweart during the term of limitation.

vii. Ms. Houseweart shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

IT IS FURTHER ORDERED that Respondent Lisa A Houseweart may petition for consecutive three (3) month extensions of the stay of suspension with the same conditions and limitations on her license. A three (3) month extension of the stay shall be granted upon demonstration of compliance with the conditions and limitations set forth subparts i-vii above. Ms. Houseweart is solely responsible for insuring that each condition and limitation set forth above has been satisfied, including the selection of a monitoring facility capable of satisfying the requirements of this Order.

The failure to file a petition for extension prior to the expiration of the stay will result in the imposition of the suspension for a minimum of two (2) years without further order of the Board.

If the Board denies a petition by Respondent Lisa A. Houseweart for an extension of the stay, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

IT IS FURTHER ORDERED that upon a showing by Respondent Lisa A. Houseweart of successful compliance for a period of two (2) years with the terms of this Order, the Board shall grant a petition by Ms. Houseweart for return of full licensure.

IT IS FURTHER ORDERED that Respondent Lisa A. Houseweart may petition the Board at any time to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this section shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§ 227.01(3) and 227.42.

IT IS FURTHER ORDERED that violation of any of the terms of this Order may result in a summary suspension of Respondent Lisa A. Houseweart's license; denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

BOARD OF NURSING

By Jaqueline Johnson /sp Date January 8, 1992
A Member of the Board

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

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|--------------------------------|---|-------------|
| IN THE MATTER OF THE DENIAL | : | |
| OF EXTENSION OF STAY AND | : | |
| LIMITED LICENSE TO PRACTICE OF | : | |
| | : | STIPULATION |
| LISA A. HOUSEWEART, R.N., | : | 91 NUR 188 |
| PETITIONER | : | |
| | : | |

It is hereby stipulated between Lisa Houseweart, personally on her own behalf, and the Department of Regulation and Licensing, Division of Enforcement, by its attorney Richard Castelnuovo, as follows:

1. This Stipulation is entered into as a result of the denial of extension of the stay of suspension and the denial of a limited license involving Lisa Houseweart ("Respondent"). Respondent consents to the resolution of this matter by Stipulation to be submitted directly to the Board of Nursing for approval.

2. Respondent is aware and understands her rights with respect to any hearing on the denial of license, and specifically her right to a hearing in accordance with sec. 227.42, Wis. Stats., and Wis. Adm. Code Ch. RL 1, including the right to call witnesses on her behalf and to compel attendance of witnesses by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of her right to seek legal representation and has been provided the opportunity to obtain legal advice prior to execution of this Stipulation.

5. This Stipulation is conditioned upon:

a. Respondent's compliance for the period from November 18, 1991 to January 1, 1992 with the following terms of her treatment program:

i. Respondent shall continue successful participation in a program for the treatment of chemical dependency at a health care facility acceptable to the Board. As a part of treatment, Respondent must attend therapy on a schedule as recommended by her therapist; attendance, however, shall be required at least four (4) times per month. In addition, Respondent must attend Alcoholics or Narcotics Anonymous at least three (3) times per week.

ii. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes.

iii. Respondent shall participate in a program of random witnessed monitoring for controlled substances and alcohol in her blood and/or urine on a frequency of not less than four (4) times per month. As a condition for reinstatement of Respondent's license, all of the screens performed must be negative for controlled substances and alcohol. As a further condition, Respondent must submit to a minimum of six (6) screens during this period.

Respondent shall be responsible for obtaining a monitoring facility which provides random and witnessed gatherings of specimens for evaluation and makes reports of the screens available to the Board, as well as for all costs incurred in conjunction with the required monitoring and reporting.

iv. Respondent shall execute current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring information and records.

b. Respondent's proof of compliance with a.i.-iv. by arranging for the submission of a report to the Board of Nursing prior to January 7, 1992 (i) from the monitoring facility indicating the dates and results of screenings performed and (ii) from her therapist or counselor evaluating her attendance, her sobriety, and progress in treatment, as well as her participation in NA/AA meetings.

If Respondent fails to comply with a.i.-iv. or proof of compliance is not furnished in a timely manner, this Stipulation is of no force and effect and the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings.

6. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and agrees that the Board may reach the conclusions set forth in the Conclusions of Law and enter the Order extending the period of suspension, staying the suspension of her a limited license, and issuing a license under certain terms and conditions.

7. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

8. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

9. The parties agree that Respondent and an attorney from the Division of Enforcement may appear at any deliberative meeting of the Board with respect to this Stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Lisa Houseweart

Lisa Houseweart
Respondent

11-23-91

Date

Richard M. Castelnovo

Richard M. Castelnovo, Attorney
Division of Enforcement

12/3/91

Date

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is January, 15, 1992.